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CERTIFICATE OF MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 29, 2005.

Irena Nikolaova

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: September 29, 2005

Matthew E. AUBERTINE

Confirmation No: 1980

Serial No: 09/903,937

Group Art Unit: 2122

Filed: July 12, 2001

Examiner: Fowlkes, Andre

For: METHOD AND SYSTEM FOR OPTIMIZING THE USE OF PROCESSORS  
WHEN COMPILING A PROGRAM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

In the Final Office Action dated June 6, 2005, the Examiner rejected Claims 1-18. In response, Applicant hereby appeals to the Board the decision of the Primary Examiner. An Appellant's Brief will be filed no later than two months from the date of this notice.

The Commissioner is hereby authorized to charge \$500.00 to Deposit Account No. 09-0447 (IBM Corporation) for payment of the notice of appeal fee. Check No. 09244 in the amount of \$120.00 is enclosed for payment of the one month extension of time. The Commissioner is authorized to charge any additional fees required by this communication to Deposit Account 09-0447 (IBM Corporation).


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02 FC:1401 500.00 DA

If any unresolved issues remain, please contact Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

September 29, 2005  
Date

  
\_\_\_\_\_  
Joseph A. Sawyer, Jr.  
Attorney for Applicant(s)  
Reg. No. 30,801  
(650) 493-4540

## TRANSMITTAL FORM

Attorney Docket No.  
**AUS92000329US1**  
**1753P**

In re the application of:

Confirmation No: **1980**Serial No: **09/903,937**Group Art Unit: **2192**Filed: **July 12, 2001**Examiner: **Fowlkes, Andre R.**For: **Method and System for Optimizing The Use of Processors When Compiling A Program**

## ENCLOSURES (check all that apply)

<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input checked="" type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input type="checkbox"/>	Appeal Brief
<input type="checkbox"/>	Form 1449	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Status Letter
<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input type="checkbox"/>	Other Enclosure(s) (please identify below):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer		
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for one month(s), From September 7, 2005 to October 6, 2005.			
<input type="checkbox"/>	Executed Declaration by Inventor(s)				

## CLAIMS

FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	18	20	0	\$ 50.00	\$ 0.00
Independent Claims	3	3	0	\$200.00	\$ 0.00
				Total Fees	\$ 0.00

## METHOD OF PAYMENT

<input checked="" type="checkbox"/>	Check no. <u>09244</u> in the amount of \$ <u>120.00</u> , is enclosed for payment of fees.
<input checked="" type="checkbox"/>	Charge \$ <u>500.00</u> to Deposit Account No. <u>09-0447</u> (IBM Corporation) for payment of fees.
<input checked="" type="checkbox"/>	Charge any additional fees or credit any overpayment to Deposit Account No. <u>09-0447</u> (IBM Corporation)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Attorney Name	Joseph A. Sawyer, Jr., Reg. No. 30,801
Signature	
Date	September 29, 2005

## CERTIFICATE OF MAILING

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Type or printed name	Irena Nikolova
Signature	

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